Filed 8/4/09 In re D.L. CA4/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re D.L., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. D.L., Defendant and Appellant.	E046668 (Super.Ct.Nos. J211832, GJ22916 & B208362*) OPINION

APPEAL from the Superior Court of San Bernardino County. Philip L. Soto, Judge, and Stephanie Thornton-Harris, Temporary Judge.† Affirmed.

Steven Torres, under appointment by the Court of Appeal, for Defendant and Appellant.

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* Transferred from the Superior Court of Los Angeles County for disposition.

† Judge Soto is a judge of the Superior Court of Los Angeles County; Judge Thornton-Harris is a temporary judge for the Superior Court of San Bernardino County pursuant to California Constitution, article VI, section 21.

Edmund G. Brown, Jr., Attorney General, Gary W. Schons, Assistant Attorney General, Peter Quon, Jr., and Lilia E. Garcia, Deputy Attorneys General, for Plaintiff and Respondent.

D.L. (minor) was found by the juvenile court to have committed burglary. (Pen. Code, § 459.) He contends the finding was not supported by sufficient evidence. We affirm.

BACKGROUND

A witness testified that around 12:30 p.m. on April 14, 2008, minor and another young man were at a property located at the southwest corner of Union and Chester. Minor and the other young man went into the back of the property, walked around, disappeared from observation for a few seconds, and then returned to the front of the property by the sidewalk. Minor walked down the street while the other young man knocked on the doors, struggled to remove a window screen, and then attempted to open the window. The two then met up again at the sidewalk in front of the property. The witness exited his property and saw the two young men heading south on Chester toward Colorado Boulevard. The witness later testified that he saw both minor and the other young man knocking on the doors.

A second witness testified she was leaving her residence for lunch around 12:30 p.m. on April 14, 2008, when she encountered minor as she went from her front door to her car. Minor was carrying a half-gallon orange jug, and was struggling to hold something else that had a silver cord coming down his right side. Minor said, "Hi," and continued to observe her as she backed her car out and drove down the street. The

second witness then drove around the block, returning via Union Street, intending to turn onto Chester from Union. She was "shocked because [she] saw that [minor] was in front of . . . the house on the corner," the address of which she thought was two higher than the victim's actual address. She continued past Chester and pulled over on Union between Chester and Michigan and saw that minor was "looking around the house" at her. When she observed him at this time, he did not have any items with him. She drove around the block again and parked in her driveway. After observing minor walking south on Chester with the other young man, not carrying any items, she phoned the police.

A police officer testified that he responded to a potential residential burglary call at "the corner of Chester and Union Street." The address of the burglary turned out to be the address of the victim's residence.

When the police arrived on scene, a local resident informed them that they had "heard somebody running just a few seconds before [the police] got there" and gestured them south. Heading in that direction, a police officer found minor between the wall of an adjacent building and an air conditioning unit.

After searching the area, the police found "a couple of silver razor scooters, [a] blue backpack, a green canvas camera bag, a gallon jug of unopened orange juice, and other items" in some bushes further south on Chester but north of Colorado. Minor later told the police that "they used a razor to get around town, and that the razor became disabled so they discarded them into a bush." Minor also questioned whether the police thought he took the screen off the window, even though the police had not mentioned

that a screen had been taken off a window. When asked by the police what he intended to do with the orange juice, minor replied, "I don't know, bust it or something."

The victim testified that on April 14, 2008, he left home around 6:30 a.m. and returned home around 6:00 p.m. Upon his return home he discovered that a brick had been thrown through the kitchen window, and a locked bedroom door had been knocked off its frame. Two digital cameras, one of which was in a green case, a global positioning system (GPS), a pair of expensive ear phones, a small light blue backpack, a kitchen knife, and a half-gallon jug of orange juice had been taken. Everything except the kitchen knife and orange juice were recovered.

The juvenile court accepted the People's categorization that minor was acting as a lookout, and was convinced that the other young man with minor was the person seen "trying to actively get into the house." The court concluded that the allegations against minor were true because minor was "aiding and abetting this other person . . . in the break-in of the home" from where property was taken.

DISCUSSION

Minor contends that there was insufficient evidence to support the juvenile court's finding that he committed burglary. In particular, he contends that the evidence does not tie him to the burglary at the victim's residence because the location of the residence in relation to the events about which the witnesses testified was not shown, and the orange juice carried by minor was not connected to the stolen orange juice. We disagree.

We review claims of insufficiency of evidence by examining " 'the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible, and of solid value.' " (*People v. Story* (2009) 45 Cal.4th 1282, 1296.) The standard is the same even if circumstantial evidence was relied upon. (*Ibid*.) Because it is the trier of fact, and not the appellate court that must be convinced, " ' " ' " '[i]f the circumstances reasonably justify the trier of fact's findings, the opinion of the reviewing court that the circumstances might also reasonably be reconciled with a contrary finding does not warrant a reversal of the judgment.' " ' " ' " (*Ibid*.) In examining the evidence, we focus on the evidence that did exist rather than on the evidence that did not. (See *Id.* at p. 1299.) The scope of the evidence includes both the evidence in the record as well as "reasonable inferences to be drawn therefrom." (*People v. Coffman and Marlow* (2004) 34 Cal.4th 1, 89.)

The victim testified that items were stolen from his residence; both witnesses testified as to suspicious activity at the house located at the corner of Union and Chester, with one unable to specify an address and the other thinking it was two higher than the victim's actual address. A police officer testified that he responded to the corner of Union and Chester, and that location was actually the victim's residence. This evidence permits the reasonable inference that the house located at the corner of Union and Chester was the victim's residence. Thus, there is substantial evidence that minor's activity on Chester and at the corner of Chester and Union tied him to the burglary that occurred at the victim's residence. Similarly, the observation of minor with an orange jug, his acknowledgment of having an orange juice jug, and the presence of an orange

juice jug with the recovered stolen items and razor scooters, regardless of the slightly different descriptions of the orange juice jug, is sufficient to tie minor to the stolen items.

Because, in the light most favorable to the judgment, there is substantial evidence supporting the court's finding, we uphold the judgment.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

RICHLI
J.

MILLER
J.